

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AARON ABADI,

Plaintiff,

- against -

BRITISH AIRWAYS PLC, MATTHEW
ROBERTS, WENDY GOMEZ, and NUMEROUS
UNNAMED EMPLOYEES OF BRITISH
AIRWAYS PLC,

Defendants.

21 Civ. 10825 (PGG)

ORDER OF SERVICE

PAUL G. GARDEPHE, U.S.D.J.:

Plaintiff Aaron Abadi, appearing pro se, brings this action, alleging that Defendants discriminated against him based on his disability. By order dated January 14, 2022, the Court granted Abadi's request to proceed without prepayment of fees, that is, in forma pauperis ("IFP").

DISCUSSION

**I. SERVICE ON BRITISH AIRWAYS PLC, MATTHEW ROBERTS,
AND WENDY GOMEZ**

Because Abadi has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. Walker v. Schult, 717 F.3d 119, 123 n.6 (2d Cir. 2013); see also 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (providing that a court must order the Marshals Service or a specially appointed person to serve if the plaintiff is authorized to proceed IFP). Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that summonses and the complaint be served within 90 days of the date the complaint is filed, Abadi is proceeding IFP and could not have served summonses and the complaint until the Court

reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued. If the complaint is not served within that time, Abadi should request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service); see also Murray v. Pataki, 378 F. App'x 50, 52 (2d Cir. 2010) ("As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshals' failure to effect service automatically constitutes 'good cause' for an extension of time within the meaning of Rule 4(m).").

To allow Abadi to effect service on Defendants British Airways PLC, Matthew Roberts, and Wendy Gomez through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of these defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these defendants.

Abadi must notify the Court in writing if his address changes, and the Court may dismiss the action if he fails to do so.

II. JOHN DOE DEFENDANTS

Although the Complaint references a number of British Airways employees (see Cmplt. (Dkt. No. 2) at 2 ("There were several other employees of British Airways that participated in the discrimination and harassment of this Plaintiff . . .")), the Complaint does not make clear which particular British Airways employees Abadi intends to name as Defendants – e.g., by identifying their role or the dates on which Abadi claims they discriminated against him, even if Abadi does not currently know their names. Accordingly, the Court declines at this time

to issue an order pursuant to Valentin v. Dinkins, 121 F.3d 72, 76 (2d Cir. 1997) (holding that a pro se litigant is entitled to assistance from the district court in identifying a defendant), seeking the identities of the unnamed British Airways employee Defendants.


CONCLUSION

For the reasons stated above, the Clerk of Court is instructed to issue summonses, complete the USM-285 forms with the addresses for British Airways PLC, Matthew Roberts, and Wendy Gomez, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is directed to mail a copy of this order to Abadi, together with an information package.

Dated: New York, New York
January 25, 2022

SO ORDERED.



Paul G. Gardephe
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. British Airways PLC
11 West 42nd Street
24th Floor
New York, New York 10036
2. Matthew Roberts
British Airways PLC
Washington Dulles Airport
P.O. Box 17286
Washington, DC 20041
3. Wendy Gomez
British Airways PLC
JFK International Airport (Cargo Bldg. 66)
Jamaica, New York 11430